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February 14, 2006

Receiver: Examiner Yelena Rossoshek/Art Unit 2825
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Serial No. 10/601,015

Our Ref. No.: ALTRP085/A880

Re: Response to Restriction Requirement

Pages Including Cover Sheet(s): 3

Fax Contents: Fax Cover Sheet- 1 page
Response - 2 pages

MESSAGE:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eric Teh Gim Aik

Attorney Docket No.: ALTRP085/A880

Application No.: 10/601,015

Examiner: Yelena Rossoshek

Filed: June 19, 2003

Group: 2825

Title: **ELECTRICAL DESIGN RULE
CHECKING EXPERT TRAVERSER SYSTEM**

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Attention: Examiner Yelena Rossoshek at facsimile telephone number (571) 273-8300 on February 14, 2006.

Printed Name: Linda Pollock

Signed: Linda L. Pollock

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement in the Office Action dated January 17, 2006, Applicant hereby elects Group I (claims 1-3, 5-17, 19-34) with traverse.

It should be noted that the Undersigned did not receive any telephone call or message on 01/11/2006 regarding a request for an oral election to the above restriction requirement.

According to MPEP 811, the Examiner should make a proper requirement as early as possible in the prosecution. Also, 37 CFR 1.142(a) indicates that a restriction requirement will normally be made before any action upon the merits; however, it may be made at any time before final action. In the present case, an action (i.e., Office Action dated August 8, 2005) upon the merits was issued. The Examiner even noted allowable subject matter in the action. Applicant subsequently amended the claims in a corresponding response (i.e., Amendment A which was filed on November 8, 2005) in view of the allowable subject matter. No new subject matter was introduced into the amended claims. After the corresponding response was filed, the current Restriction Requirement was then issued.

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Further, according to MPEP 811, the examiner must consider whether there will be a serious burden if restriction is not required. Specifically, MPEP 811 states that “[b]efore making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.” Since an action (i.e., Office Action dated August 8, 2005) upon the merits was already issued and no new subject matter was introduced into the amended claims of the corresponding response (i.e., Amendment A which was filed November 8, 2005), it is believed that there is no serious burden if restriction is not required in this case.

Additionally, Applicant respectfully traverses the restriction requirement between Group I and Group II because it is believed that the corresponding claims are relatively closely related and that a proper search of one of the claim sets would require searching the same areas as a proper search for the other claim set. In fact, the Examiner has already conducted a search in the issued Office Action dated August 8, 2005 for the claims in Groups I and II. As such, it is respectfully submitted that it would not be unduly burdensome to examine at the same time the sets of claims in Groups I and II. MPEP §803 states: “If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement between Groups I and II.

If any fees are due in connection with the filing of this Response, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. **ALTRP085**).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


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